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ICPSR
Inter-university Consortium for
Political and Social Research

Referenda and Primary Election Materials

Part 22: Referenda Elections for South Dakota

Inter-university Consortium for Political and Social Research

ICPSR 0006

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June 2002

Referenda and Primary Election Materials

Part 22: Referenda Elections for South Dakota

Inter-university Consortium for
Political and Social Research

ICPSR 0006

REFERENDA AND PRIMARY ELECTION MATERIALS

(ICPSR 0006)

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To provide funding agencies with essential information about use of archival resources and to facilitate the exchange of information about ICPSR participants' research activities, users of ICPSR data are requested to send to ICPSR bibliographic citations for each completed manuscript or thesis abstract. Please indicate in a cover letter which data were used.

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DATA COLLECTION DESCRIPTION

Inter-university Consortium for Political and Social Research
REFERENDA AND PRIMARY ELECTION MATERIALS (ICPSR 0006)

COLLECTION CHANGES: Data for 1990 have been added to this collection, and SAS data definition statements (Parts 51-100) are now available for Parts 1-50.

NOTE: Most of the information in this collection is available ONLY in typed and photocopied form. The exception is data from 1968 to 1990. ICPSR has converted all statewide referenda returns from 1968-1990 into machine-readable form. Included in this portion of the collection are the county vote breakdowns for approximately 4,241 referenda voted upon in primary and general elections throughout the United States. A typed hardcopy codebook accompanies each state file. The primary election data are NOT available in machine-readable form. It is possible to supply, on a cost basis, limited portions of the referenda and primary election returns in the form of photocopies.

EXTENT OF COLLECTION: 50 data files + SAS data definition statements + SPSS data definition statements

EXTENT OF PROCESSING: CONCHK.ICPSR/ UNDOCCHK.ICPSR/ MDATA.ICPSR

DATA FORMAT: Logical Record Length with SAS and SPSS data definition statements

Parts 1-50: Referenda Elections
for States

File Structure: rectangular

Cases: 3 to 254 per part

Variables: 13 to 1,251 per part

Record Length: 85 to 7,919

per part

Records Per Case: 1

Parts 51-100: SAS Data
Definition Statements
Record Length: 80

REFERENDAVar. #Description1
2
3ICPSR State Code 37

County or State Name

Identification Number

Unique numeric identification number assigned to each county or independent city within a state. The identification number for state-level records is 0000. This identification number, when used in conjunction with the ICPSR state code, uniquely identifies each unit of analysis in the data file.

1968 ReferendumReferred LawGeneral Election, November 5, 1968Yes = 108,712; No = 158,637

Referred Law No. 1. An Act Entitled, An Act to
exempt South Dakota from the provisions of Public
Law 89-937 relating to Daylight Savings Time.

Explanatory Statement by the Attorney General:Senate Bill 33 passed by the 1967 Legislature was

4

Vote Yes (For) (see next page)

5

Vote No (Against)

1968 ReferendumReferred LawGeneral Election, November 5, 1968Yes = 120,336; No = 118,631

Referred Law No. 2. An Act Entitled, An Act to
amend subsection (6) of Section 15.0803 of the 1960
Supplement to the South Dakota Code of 1939, as
last amended by Chapter 70, Session Laws of 1961,
relating to the powers and duties of the State

6

Vote Yes (For) (see next page)

7

Vote No (Against)

Referred Law No. 1 (continued) - by petition referred to the electors for vote. Federal Law provides for Daylight Savings Time to exist from 2:00 A.M. on the last Sunday in April until 2:00 A.M. on the last Sunday in October. Senate Bill 33 provides Daylight Savings Time shall not be observed at any time in South Dakota.

If the voters approve such Act, South Dakota will not have Daylight Savings Time. If the voters disapprove of such Act, Daylight Savings Time will be observed during the period mentioned.

Referred Law No. 2 (continued) - Board of Education and creating a State Commission on Elementary and Secondary Education.

Explanatory Statement by the Attorney General:

Senate Bill 130 passed the 1967 Legislature and by petition has been referred to the electors for vote.

Existing state law provides for voluntary reorganization of school districts. Senate Bill 130 creates a State Commission on Elementary and Secondary Education and provides that all land area within the state shall on or before July 1, 1970, become a part of an independent school district offering an accredited school program and meeting the standards adopted by the State Board of Education. Superimposed high school districts in existence July 1, 1968, are excepted from such requirement.

Source: Official Election Returns by Counties for the State of South Dakota, General Election, November 5, 1968, Compiled by Alma Larson, Secretary of State

State South Dakota

REFERENDUM

Var. #

Description

1968 Referendum

Constitutional Amendment

General Election, November 5, 1968

Yes = 110,327; No = 118,202

A. A Joint Resolution, Proposing and agreeing to an amendment to the second paragraph of Section 5, of Article VIII of the Constitution of the State of South Dakota, relating to education and school lands, and submitting the same to a vote of the electors

of the state. Vote Yes (For) (see next page)

Vote No (Against)

1968 Referendum

Constitutional Amendment

General Election, November 5, 1968

Yes = 80,670; No = 138,153

B. A Joint Resolution, Proposing and agreeing to an amendment to Article XIII of the Constitution of the State of South Dakota, by adding thereto two new sections providing that revenue bonds, special assessment bonds and leases shall not constitute

Vote Yes (For) (see next page)

Vote No (Against)

Constitutional Amendment (A) (continued) - Explanatory Statement by the Attorney General: The second paragraph of Section 5 of Article VIII of the Constitution provides that common school, indemnity and endowment lands, which are not specifically subdivided, shall be offered in tracts of not more than eighty acres.

The proposed amendment authorizes such land may be offered in tracts not exceeding 640 acres.

The intent of such amendment is to authorize the boards and officers charged with the sale of such lands to offer for sale, in their discretion, tracts containing any number of acres up to and including six hundred and forty acres (but no more) rather than the eighty acre limitation that now exists.

* * * * *

Constitutional Amendment B (continued) - debt or indebtedness as otherwise defined in the Constitution, authorizing the pledging of revenue and special assessments for repayment of bonds, and establishing a debt limit for any state building authority created by the Legislature.

Explanatory Statement by the Attorney General:

Article XIII of the Constitution provides definite debt limitations upon the state and its political subdivisions beyond which limits no debt may be incurred.

The first section (20) of the proposed amendment specifically provides that revenue or special assessment bonds, or leases, of the state and its political subdivisions are not debts within such limitations. It also authorizes the Legislature to provide that any charges, fees, rentals or special assessment levied may be used to pay for such improvement.

The second new Section (21) provides that if any existing or legislative created state building authority, creates a debt, including negotiable revenue bonds, the debt limit upon such authority shall be Seven and One-Half Million Dollars at any time. (At this time the entire state is limited to a debt of One Hundred Thousand Dollars except under conditions of war or invasions.)

Source: Official Election Returns by Counties for the State of South Dakota, General Election, November 5, 1968, Compiled by Alma Larson, Secretary of State

State South Dakota

REFERENDUM

Var. #

Description

1968 Referendum

Constitutional Amendment

General Election, November 5, 1968

Yes = 109,065; No = 113,398

C. A Joint Resolution, Proposing and agreeing to an amendment to Article V of the Constitution of the State of South Dakota, relating to the Judicial Department, and submitting the same to the electors of the state.

12

Vote Yes (For) (see next page)

13

Vote No (Against)

1968 Referendum

Constitutional Amendment

General Election, November 5, 1968

Yes = 116,403; No = 101,684

D. A Joint Resolution, Proposing and agreeing to an amendment to Section 11 of Article VIII of the Constitution of the State of South Dakota relating to investment of the permanent school funds.

14

Vote Yes (For) (see next page)

15

Vote No (Against)

Constitutional Amendment C. (continued) -

Explanatory Statement by the Attorney General:

This resolution proposed adding a new section to Article V of the Constitution. At the present time, although Supreme and Circuit Court Judges may retire from office, receiving compensation from the state, there is no constitutional authority that may exercise judicial powers thereafter.

This proposal authorizes such retired judges, under regulations of law and the Court to act in a judicial capacity after retirement.

* * * * *

Constitutional Amendment D. (continued)

Explanatory Statement by the Attorney General:

Section 11, Article VIII of the Constitution, as it now exists, with other sections of Article 8, have been interpreted by our Supreme Court not to authorize the sale of United States Bonds below the cost of purchase.

This proposed amendment empowers the Legislature to authorize the sale of such bonds, in which permanent school and other educational funds have been invested at less than purchase price paid therefor, for purposes of reinvestment of the proceeds at a higher rate of return.

Source: Official Election Returns by Counties for the State of South Dakota, General Election, November 5, 1968, Compiled by Alma Larson, Secretary of State

State South Dakota

REFERENDUM

Var. #

Description

1968 Referendum

Constitutional Amendment

General Election, November 5, 1968

Yes = 72,514; No = 148,618

E. A Joint Resolution, Proposing and agreeing to an
amendment to Section 12 of Article IV of the Con-
stitution of the State of South Dakota, relating
to the terms of office of certain elective constitu-
tional officers, and submitting the same to the

16

Vote Yes (For) (see next page)

17

Vote No (Against)

Referendum

Vote Yes (For)

Vote No (Against)

Constitutional Amendment E. (continued) - electors of the state.

Explanatory Statement by the Attorney General:

Section 12 of Article IV pf the Constitution now provides that the State Superintendent of Public instruction be elected on the nonpolitical ballot.

The proposed amendment provides that the State Superintendent of Public Instruction be appointed for a term of two years by the Governor, rather than elected by the people.

If such proposal is adopted not only will the State Board of Education, but also the State Superintendent of Public Instruction be appointive, not elective officers.

Source: Official Election Returns by Counties for the State of South Dakota, General Election, November 5, 1968, Compiled by Alma Larson, Secretary of State

State South Dakota

REFERENDA

Var. #Description1970

Referenda

Constitutional AmendmentGeneral Election, November 3, 1970Yes = 110,266; No = 92,354Proposed Amendment. A.

Proposing and agreeing to an amendment to Section 1
of Article VII of the Constitution of the State of
South Dakota, relating to the requirement of residence
in this state for electors, and submitting the same
to the electors of the state.

18

Vote Yes (For)

19

Vote No (Against)

1970

Referenda

Constitutional AmendmentGeneral Election, November 3, 1970Yes = 58,605; No = 132,992Proposed Amendment. B.

Proposing and agreeing to an amendment to Section 1 of
Article III of the constitution of the State of South
Dakota, relating to the legislative power of the
state, and submitting the same to the electors of the
state.

20

Vote Yes (For)

21

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 111,040; No = 82,980Proposed Amendment. C.

Proposing and agreeing to an amendment to Article V of
the Constitution of the State of South Dakota,
relating to the Judicial Department, and submitting
the same to the electors of the state.

22

Vote Yes (For)

23

Vote No (Against)

1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 117,269; No = 81,746Proposed Amendment D.

Proposing and agreeing to an amendment to Section 25
of Article III of the Constitution of the state of South
Dakota, relating to games of chance, lotteries or gift
enterprises, and submitting the same to the electors of
the state.

24

Vote Yes (For)

25

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 94,108; No = 101,497Proposed Amendment E.

Proposing and agreeing to amendments to Sections 1 and
12 of Article IV of the Constitution of the State of
South Dakota, and to Section 3 of Article IV of the
Constitution of the State of South Dakota as last
amended by adoption of amendment on November 6, 1962,
pursuant to Chapter 296, Session Laws of 1961, relating
to the terms of office of the Governor, Lieutenant

26

Vote Yes (For)

(continued)

27

Vote No (Against)

1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 78,320; No = 117,367Proposed Amendment F.

Proposing and agreeing to an amendment to Section 1 of
Article VII of the Constitution of the State of South
Dakota, relating to voting age, and submitting the
same to the electors of the state.

28

Vote Yes (For)

29

Vote No (Against)

South Dakota

Proposed Amendment E. (Continued)

Governor, and certain elective constitutional officers, and submitting the same to the electors of the state.

State South Dakota

REFERENDA

Var. #Description1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 115,292; No = 74,528

Proposed Amendment G. Proposing and agreeing to an
amendment to Article VII of the Constitution of the
State of South Dakota, adding a new Section 10 relating
to voting by new residents in presidential elections,
and submitting the same to the electors of the state.

30

Vote Yes (For)

31

Vote No (Against)

1970 ReferendaConstitutional AmendmentGeneral Election, November 3, 1970Yes = 65,189; No = 118,306

Proposed Amendment H. Proposing and agreeing to an
amendment to the second paragraph of Section 3 of
Article VIII, the second paragraph of Section 4 of
Article VIII, Section 5 of Article VIII of the Constitution
of the State of South Dakota, and amending Article VIII
by adding thereto a new section, all concerning education
and school lands.

32

Vote Yes (For)

33

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description

1970 Referenda
Constitutional Amendment
General Election, November 3, 1970
Yes = 69,459; No = 111,427
Proposed Amendment I. Proposing and agreeing to an
amendment to Section 1 of Article XXIII of the Constitution
of the State of South Dakota, relating to amendments and
revisions of the Constitution, and submitting the same
to the electors of the state.

34

Vote Yes (For)

35

Vote No (Against)

1970 Referenda
Initiated Measures
General Election, November 3, 1970
Yes = 104,430; No = 111,568
No. 1. A joint resolution, enacting and submitting to a
vote of the electors of the state a proposed law providing
for the submission to the electorate at the next general
election of an initiated measure to repeal Chapter 112 of
the South Dakota Session Laws of 1969 requiring fluoridation
of South Dakota municipal water supplies.

36

Vote Yes (For)

37

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1970 ReferendaInitiated MeasuresGeneral Election, November 3, 1970Yes - 85,812; No = 134,410

No. 2. A Joint Resolution, enacting and submitting to
a vote of the electors of the state a proposed law
providing for the submission to the electorate at
the next general election of an initiated measure
establishing a state income tax.

38

Vote Yes (For)

39

Vote No (Against)

Referenda

Vote Yes (For)

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1972 ReferendaConstitutional AmendmentGeneral Election, November 7, 1972Yes = 206,170; No = 75,765

Amendment A: A joint resolution, proposing and agreeing
to an amendment to section 1 of article VII of the
Constitution of the State of South Dakota, relating to
voting age, and submitting the same to the electors of
the state.

Vote Yes (For)

Vote No (Against)

1972 ReferendaConstitutional AmendmentGeneral Election, November 7, 1972Yes = 182,248; No = 96,944

Amendment B: A joint resolution, proposing and agreeing
to an amendment to article IV of the Constitution of the
state of South Dakota, relating to the organization and
function of the executive department of state government.

Vote Yes (For)

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1972 ReferendaConstitutional AmendmentGeneral Election, November 7, 1972Yes = 177,235; No = 89,358

Amendment C: A joint resolution, proporing and agreeing
to an amendment to article V of the Constitution of
the state of South Dakota, relating to the organization
and function of the judicial department of state
government.

44

Vote Yes (For)

45

Vote No (Against)

1972 ReferendaConstitutional AmendmentGeneral Election, November 7, 1972Yes = 152,474; No = 107,296

Amendment D: A joint resolution, proposing and agreeing
to an amendment of article IX, relating to county and
township organization and article X, relating to
municipal corporations and combining them in article IX,
of the Constitution of the state of South Dakota, relating
to the organization and function of local government
generally.

46

Vote Yes (For)

47

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1972 ReferendaConstitutional AmendmentGeneral Election, November 7, 1972Yes = 173,541; No = 84,939

Amendment E: A joint resolution , proposing and agreeing
to an amendment to article XXIII of the Constitution of the
state of South Dakota, relating to the amendment and
revision of the state constitution.

48

Vote Yes (For)

49

Vote No (Against)

1972 ReferendaInitiated MeasureGeneral Election, November 7, 1972Yes = 96,103; No = 192,350

Measure No. 1: An Act entitled, An Act relating to an
initiated measure for the submission to the electorate
at the next general election to repeal subdivision
(4) of SDCL 41-11-3 classifying columbidae, commonly
known as the mourning dove, as a game bird.

50

Vote Yes (For)

51

Vote No (Against)

State South Dakota

REFERENDA

Var. #Description1974 ReferendaConstitutional AmendmentGeneral Election, November 5, 1974Yes = 86,293; No=138,590

Amendment A: Proposing and agreeing to an amendment
to the Constitution of the state of South Dakota by
amending article III and, to accomplish the objectives
of the amendment, to repeal articles XV and XVI, sections
2 and 3 of article XXI, and the first sentence of,
section 5 of article IV, all relating to the
legislative department.

52

Vote Yes (For)

53

Vote No (Against)

1974 ReferendaConstitutional AmendmentGeneral Election, November 5, 1974Yes = 132,120; No - 88,524

Amendment B: Proposing and agreeing to and amendment
to article VII of the Constitution of the State of
South Dakota relating to elections and the right
of suffrage.

(see continuation)

54

Vote Yes (For)

55

Vote No (Against)

A JOINT RESOLUTION Proposing and agreeing to and amendment to article VII of the Constitution of the state of South Dakota relating to elections and the right of suffrage.

EXPLANATORY STATEMENT BY THE ATTORNEY GENERAL:

This proposal replaces Article VII of the South Dakota Constitution (Elections and Right of Suffrage).

Provides that elections shall be free and equal and prevents civil or military interference with the people's voting rights.

All citizens 18 years of age or older who meet residency and registration requirements can vote unless disqualified by law for mental incompetency or conviction of a felony. Removes durational residency requirements from the Constitution.

Defines Legislative role in implementing this Article.

Voting rights for members of the Armed Forces, those absent from the state, and those moving from precinct to precinct are protected.

Deletes obsolete sections relating to women's right to vote and hold office, and rights of new residents to vote for presidential electors. Deletes sections on biennial elections, and voter immunity while exercising franchise.

A vote "YES" by a majority will change the constitution as explained above. A vote "NO" by a majority will leave the Constitution as it exists.

Electors desiring to vote "YES" will place a cross (X) or check mark (✓) with pencil or pen in the square before the word "YES" and those desiring to vote "NO" will place a cross (X) or check mark (✓) with pencil or pen in the square before the word "NO".

State South Dakota

REFERENDA

Var. #Description1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 75,147; No = 183,548

CA #1 Joint resolution, Proposing and agreeing to
an Amendment to the preamble of the Constitution of
the state of South Dakota, relating to the preamble.

56

Vote Yes (For)

57

Vote No (Against)

58

Total Votes

59

Vote Yes (Percent)

60

Vote No (Percent)

1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 77,771; No = 179,963

CA #2 A Joint Resolution, to amend article VI
of the Constitution of the state of South Dakota by
adding new sections thereto and to repeal section
1, the first sentence of section 2 and sections 3 to
16, inclusive, and 18 to 27, inclusive, of article
VI, sections 4 and 5 of article XXI, and sections
4 and 18 of article XVII, all relating to the bill
of rights.

61

Vote Yes (For)

62

Vote No (Against)

63

Total Votes

64

Votes Yes (Percent)

65

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 56,538; No = 198,447

CA# 3: A joint resolution, to amend article III of
the constitution of the state of South Dakota and to
repeal articles XV and XVI and the first sentence
of section 5 of article IV, all relating to the
legislative department.

66

Vote Yes (For)

67

Vote No (Against)

68

Total Votes

69

Vote Yes (Percent)

70

Vote No (Percent)

1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 45,100; No = 208,909

CA# 4: A joint resolution, proposing and agreeing
to an amendment to the Constitution of the state of
South Dakota by repealing section 26 of article III,
relating to the prohibition on the legislature from
delegating certain powers to any special commission,
private corporations or association.

71

Vote Yes (For)

72

Vote No (Against)

73

Total Votes

74

Votes Yes (Percent)

75

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 66,287; No = 188,012

CA# 5: A joint resolution, to amend sections 2 to
5, inclusive, of article VIII of the Constitution
of the state of South Dakota and to repeal sections
6 to 14, inclusive, and section 18 of article VIII
and article XXVIII, all relating to school lands and
funds.

76

Vote Yes (For)

77

Vote No (Against)

78

Total Votes

79

Vote Yes (Percent)

80

Vote No (Percent)

1976 ReferendaGeneral ElectionNovember 2, 1976Yes = 57,710; No = 19,403

CA# 6: A joint resolution, proposing and agreeing
to an amendment to article XXIII of the Constitution
of the state of South Dakota, relating to the amending,
revising, and arranging of the Constitution.

81

Vote Yes (For)

82

Vote No (Against)

83

Total Votes

84

Votes Yes (Percent)

85

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1978

Referenda

Constitutional AmendmentGeneral Election, November 7, 1978Yes = 104,367; No = 122,429

CA 1: A joint resolution proposing and agreeing to an amendment to Sections 6 and 7 of Article III of the Constitution of the State of South Dakota relating to terms for legislators and annual forty-day legislative sessions. 1. Delete the five cent per mile mileage allowance limitation presently existing for legislator travel reimbursement to and from the legislative session. 2. Provide for annual

CA 1: forty legislative day sessions. 3. Repeal present provisions providing for alternating forty-five and thirty legislative day sessions, every other year.

86

Vote Yes (For)

87

Vote No (Against)

88

Total Votes

89

Vote Yes (Percent)

90

Vote No (Percent)

1978

Referenda

Constitutional AmendmentGeneral Election, November 7, 1978Yes = 106,461; No = 113,742

CA 2: A joint resolution to amend Section 2 of Article VIII of the Constitution of the State of South Dakota and to repeal Article XXVIII, all relating to investment of education and school land funds.

1. Repeal Article XXVIII of the Constitution which specifies and limits the types of investments into which counties can invest monies of the permanent school and endowment funds. 2. Amend Article VIII Section 11 of

CA 2: the Constitution to remove present limiting constitutional language which restricts the types of investments into which the Commissioner of School and Public Lands can invest monies of the permanent school fund and other educational funds, thus making possible investments with higher earnings, but with some probable additional risks as well. 3. Allow the investment of permanent school funds, educational funds, and other institutional trust funds in a prudent and flexible manner as the Legislature would authorize by law.

91

Vote Yes (For)

92

Vote No (Against)

93

Total Votes

94

Votes Yes (Percent)

95

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1978

Referenda

Constitutional Amendment

General Election, November 7, 1978

Yes = 115,871; No = 104,264

CA 3: A joint resolution proposing and agreeing to an amendment to Article VIII of the Constitution of the State of South Dakota relating to the preservation of mineral rights in public lands. 1. By a constitutional mandate, specifically reserve for the State of South Dakota the mineral rights and other rights therein enumerated in public lands, which the State presently reserves only by statute. This amendment would

CA 3: constitutionally prevent legislation which would divest the State of these reserved interests, and would thereby protect the State's continued rights to these interests. 2. Grant constitutional authority for the State to issue leases for the exploration, extraction, and sale of the mineral interests therein described, according to standards and procedures provided by the Legislature.

96

Vote Yes (For)

97

Vote No (Against)

98

Total Votes

99

Vote Yes (Percent)

100

Vote No (Percent)

1978

Referenda

Constitutional Amendment

General Election, November 7, 1978

Yes = 116,647; No = 103,621

CA 4: A joint resolution proposing and agreeing to an amendment to Article XI of the Constitution of the State of South Dakota relating to taxation. 1. Prohibit the increase of the tax rate on sales, service, income or property taxes, or the increase of allowable levies or percentages for determining values for taxes on real or personal property, unless either of the following occurs. a) The Legislature approves the increase by

CA 4: a two-thirds vote of all the members-elect of each branch of the Legislature, or, b) The increase is proposed by an initiated measure and the Legislature approves it by a majority vote of the members-elect (unless a two-thirds majority vote is required by virtue of other constitutional provisions such as Article XII, section 2 of the South Dakota Constitution). 2. Would not apply to the creation of new taxes, or the expansion of the scope of present taxes to cover new areas, but would merely limit the method by which an increase in the rate of taxes or increase in allowable levies or percentages for determining value for taxes, could be raised.

101

Vote Yes (For)

102

Vote No (Against)

103

Total Votes

104

Votes Yes (Percent)

105

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1978ReferendaInitiated ActGeneral Election, November 7, 1978Yes = 91,707; No = 140,899

IA 5: An Act relating to lifeline rate reform and energy conservation. This initiated measure would redesign gas and electric rates in order to (1) lower the price for basic set amounts of gas and electricity for residents, and (2) to encourage energy conservation by charging less for the minimum amount and much higher rates for amount in excess of a minimum.

106

Vote Yes (For)

107

Vote No (Against)

108

Total Votes

109

Vote Yes (Percent)

110

Vote No (Percent)

1978ReferendaInitiated ActGeneral Election, November 7, 1978Yes = 120,813; No = 109,109

IA 6: An Act to repeal SDCL 37-3-8 to 37-3-72, inclusive, relating to the Dairy Industry Marketing Act. This initiated measure would repeal the Dairy Industry Marketing Act. The effect of this initiated measure would be (1) the removal of dock and wholesale prices set by the dairy products marketing commission for milk and milk products sold at the wholesale level, (2) the elimination of provisions in the law that prohibit certain dairy marketing practices and (3) the elimination of the State Dairy Products Marketing Commission.

111

Vote Yes (For)

112

Vote No (Against)

113

Total Votes

114

Votes Yes (Percent)

115

Votes No (Percent)

State South Dakota

REFERENDA

Var. #Description1978 ReferendaInitiated ActGeneral Election, November 7, 1978Yes = 60,051; No = 176,152

IA 7: An Act relating to the regulation of obscenity and to repeal certain existing statutes regulating obscenity. The purpose and effect of this measure is to repeal existing South Dakota criminal law and procedure regarding obscenity offenses and to replace it with this attempt to broadly prohibit the receipt, publication and dissemination of "obscene materials" as defined by the

116	Vote Yes (For)
117	Vote No (Against)
118	Total Votes
119	Vote Yes (Percent)
120	Vote No (Percent)

CA 7: Act, and to require the court system to place the highest priority on the hearing and disposition of obscenity cases. Whether a particular magazine or publication would be "obscene material" would necessarily be a matter for a case by case determination, but in reviewing the language used herein to define "obscene material" it would appear likely that the sale, distribution, or possession of several well-recognized publications presently being widely distributed in South Dakota could be included as well as publications presently restricted by South Dakota obscenity laws. This proposal would also make it a criminal offense to receive any obscene materials by means of commercial dissemination, even though there would be no evil intent or motive on the part of the recipient to violate or disregard the law. Mandatory penalties for certain criminal offenses under the Act would also be established thus denying the court flexibility in sentencing which presently does exist.

Referenda

Vote Yes (For)

Vote No (Against)

Total Votes

Votes Yes (Percent)

Votes No (Percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsConstitutional AmendmentGeneral Election--November 4th, 1980Yes=158,490 No=135,062

A JOINT RESOLUTION, proposing and agreeing to an
 amendment to Section 7 of Article V of the Constitution
 of the State of South Dakota relating to the appoint-
 ment of Supreme Court justices and circuit court
 judges.

121
 122
 123
 124
 125

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsConstitutional AmendmentGeneral Election--November 4th, 1980Yes=113,863 No=192,116

AN INITIATED PROPOSAL to add a new section (known as
 Dakota Proposition) to Article VI of the Constitution
 of the State of South Dakota relating to real property
 tax limitation.

126
 127
 128
 129
 130

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsConstitutional AmendmentGeneral Election--November 4th, 1980Yes=126,181 No=140,632

AN INITIATED PROPOSAL to amend Section 1 of Article
III of the Constitution of the State of South Dakota
relating to prohibiting the legislature from sub-
stantially changing any initiated or referred laws
enacted by a vote of the people.

131
 132
 133
 134
 135

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsConstitutional AmendmentGeneral Election--November 4th, 1980Yes=77,225 No=140,406

A JOINT RESOLUTION, proposing and agreeing to an
amendment to Section 1 of Article III of the Constitu-
tion of the State of South Dakota relating to legislati
prerogative to amend initiated or referred laws
approved by the electors.

136
 137
 138
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 140

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsConstitutional AmendmentGeneral Election--November 4th, 1980Yes=156,630 No=120,703

A JOINT RESOLUTION, proposing and agreeing to an
amendment to Sections 6 and 7 of Article III of the
Constitution of the State of South Dakota relating to
the length of the legislative session and the powers
of the Legislature.

141
 142
 143
 144
 145

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsReferred Law and Initiated MeasureGeneral Election--November 4th, 1980Yes=182,180 No=129,478

AN ACT ENTITLED, An Act to Allow the Hunting of
Mourning Doves.

146
 147
 148
 149
 150

Vote Yes (For)
 Vote No (Against)
 Total Votes
 Vote Yes (percent)
 Vote No (percent)

State South Dakota

BALLOT PROPOSALS

Var. #Description1980 Ballot ProposalsReferred Law and Initiated MeasureGeneral Election--November 4th, 1980Yes=146,381 No=156,293

AN ACT ENTITLED, An Act relating to the regulation of
uranium mining, the construction of nuclear power
plants, and the disposal of nuclear wastes.

151

Vote Yes (For)

152

Vote No (Against)

153

Total Votes

154

Vote Yes (percent)

155

Vote No (percent)

State _____

BALLOT PROPOSALS

Var. #Description

_____ Ballot Proposals

Vote Yes (For)

Vote No (Against)

Total Votes

Vote Yes (percent)

Vote No (percent)

BALLOT PROPOSALS

Var. #Description1982 Ballot ProposalsGeneral Election November 2, 1982Yes = 122,704 No = 112,184

AN INITIATED PROPOSAL to repeal Section 5 of Article III of the South Dakota Constitution and adopt a new Section 5, Article III, relating to apportionment and the establishment of single member senate districts.

This proposed Constitutional Amendment would

- (1) repeal existing § 5 of Article III of the Constitution which requires the Legislature to apportion its membership every ten years according to the federal census, and at no other time, commencing in 1951, and in the event the Legislature fails to so apportion, mandates the Governor, superintendent of public instruction, presiding judge of the Supreme Court, attorney general and secretary of state to apportion within thirty days after the Legislature adjourns and requires the Governor to proclaim such apportionment, and
- (2) place in the Constitution a new section requiring the Legislature to apportion its membership by dividing the state into single member senate districts and by establishing either single member or dual member house districts each wholly within a senate district. Each district shall consist of compact, contiguous territory containing, as nearly as practicable, equal population. Apportionment would be required in 1983, 1991, and each ten years thereafter. Upon failure of the Legislature to so apportion, the Supreme Court would do so within ninety days.

A vote "YES" by a majority will change the Constitution as explained above

A vote "NO" by a majority will leave the Constitution as it exists.

156
157
158
159
160

Vote Yes (For)
Vote No (Against)
Total Votes
Vote Yes (percent)
Vote No (percent)

State _____

BALLOT PROPOSALS

Var. #

Description

1982 Ballot Proposals

General Election November 2, 1982

Yes = 130,637 No 104,435

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election amendments to Article VIII of the Constitution of the state of South Dakota, relating to the remittance and apportionment of fines to the public schools and the establishment of interest rates on certain school and public lands sales

This proposed Constitutional Amendment would

- (1) remove the present Constitutional requirement that the treasurer of each county remit state fines collected in that county to the state treasurer for apportionment by the commissioner of school and public lands back to the county for distribution to public schools in the county;
- (2) place in the Constitution a requirement that the county treasurer apportion state fines collected in the county for distribution to public schools in the county;
- (3) remove from the Constitution the current 5% simple interest fee on school land sales thereby authorizing the Legislature to establish the interest; and
- (4) remove from the Constitution a sixty day advertisement of school lands sales requirement in three newspapers of general circulation.

A vote "YES" by a majority will change the Constitution as explained above

A vote "NO" by a majority will leave the Constitution as it exists.

161
162
163
164
165

Vote Yes (For)
Vote No (Against)
Total Votes
Vote Yes (percent)
Vote No (percent)

BALLOT PROPOSALS

Var. #Description1982 Ballot ProposalsGeneral Election November 2, 1982Yes = 137,262 No = 99,001

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to section 7 of Article III of the Constitution of the state of South Dakota, relating to the opening day of the state Legislature. —

This proposed Constitutional Amendment would —

change the date the Legislature of the state of South Dakota convenes from the first Tuesday after the first Monday of January to the second Tuesday of January —

A vote "YES" by a majority will change the Constitution as explained above —

A vote "NO" by a majority will leave the Constitution as it exists —

166
167
168
169
170

Vote Yes (For)
Vote No (Against)
Total Votes
Vote Yes (percent)
Vote No (percent)

State _____

BALLOT PROPOSALS

Var. #

Description

Ballot Proposals

General Election November 2, 1982

Yes = 107,552 No = 147,146

A JOINT RESOLUTION Proposing and submitting to the electors at the next general election an amendment to Article III of the Constitution of the state of South Dakota, relating to the authorization of certain games of chance

This proposed Constitutional Amendment would

- (1) remove from the Constitution the power of the Legislature to authorize only public spirited organizations to conduct games of chance when the net proceeds of the operation are to be devoted only to public spirited uses, and
- (2) place in the Constitution wording
 - (a) that allows the Legislature to authorize by law games of chance involving coin operated machines, bingo, lotteries and cards pursuant to county or municipal action; and
 - (b) would place all resulting fees and taxes in the state general fund

A vote "YES" by a majority will change the Constitution as explained above

A vote "NO" by a majority will leave the Constitution as it exists

171

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Vote Yes (For)

Vote No (Against)

Total Votes

Vote Yes (percent)

Vote No (percent)

BALLOT PROPOSALS

Var #Description1984

Ballot Proposals

Const. Amendment A

General Election: November 6, 1984

Yes = 142,985 No = 143,276

A JOINT RESOLUTION, proposing and submitting to the electors at the next general election amendments to Articles IV, VIII, XI and XVIII of the Constitution of the State of South Dakota, relating to the duties of the treasurer and the commissioner of school and public lands.

This proposed constitutional amendment would: 1. Eliminate from the Constitution the provision for a "commissioner of school and public lands." 2. Substitute in the Constitution the office of "state treasurer and administrator of school lands" for "state treasurer." 3. Transfer all duties now performed by the "commissioner of school and public lands" to the "state treasurer and administrator of school lands."

176

Vote Yes (For)

177

Vote No (Against)

178

Total Votes

179

Vote Yes (percent)

180

Vote No (percent)

Var #Description

Ballot Proposals

Initiated Measure 1

General Election: November 6, 1984

Yes = 182,952 No = 112,161

An Initiated law to require the approval of the voters of this state on questions of disposal of nuclear waste or participation in nuclear waste disposal compacts.

181

Vote Yes (For)

182

Vote No (Against)

183

Total Votes

184

Vote Yes (percent)

185

Vote No (percent)

State SOUTH DAKOTA

BALLOT PROPOSALS

Var #Description1984

Ballot Proposals

Initiated Measure 2

General Election: November 6, 1984

Yes = 145,472 No = 144,908

An initiated law to establish the opening day of elementary and secondary schools.

This initiated law would prevent a school board from establishing the first day of a regular nine month school term earlier than the first Tuesday following the first Monday of September of any year.

186

Vote Yes (For)

187

Vote No (Against)

188

Total Votes

189

Vote Yes (percent)

190

Vote No (percent)

Var #Description

Ballot Proposals

Initiated Measure 3

General Election: November 6, 1984

Yes = 135,307 No = 148,705

An initiated law to require the Governor to notify the federal government that the people of South Dakota mandate a verifiable nuclear arms freeze.

This initiated law would compel the Governor of South Dakota, prior to January 15, 1985, to inform the President of the United States, the two United States Senators from South Dakota, and the Congressman from South Dakota that the people of South Dakota demand the following be accomplished. 1. An agreement be entered between the United States and the Soviet Union that neither will build, test, or place additional nuclear warheads, or launching devices designed to fire nuclear warheads. 2. That the United States thereafter observe such agreement and monitor to insure observation by the Soviet Union. The Governor would also be compelled to inform the same persons, by the same deadline, that, after entering such an agreement, the United States and the Soviet Union should respectively, commence, in an orderly fashion, a reduction of numbers of nuclear warheads and should encourage other nations to do likewise.

191

Vote Yes (For)

192

Vote No (Against)

193

Total Votes

194

Vote Yes (percent)

195

Vote No (percent)

State SOUTH DAKOTABALLOT PROPOSALS

Var. #

Description1985 Ballot Proposals

Submitted Question 1

General Election: November 12, 1985Yes = 15,463 No = 76,295SUBMITTED QUESTION

The 1985 Legislature enacted a proposal known as the Dakota Interstate Low-Level Radioactive Waste Management Compact into law. By virtue of House Joint Resolution 1005 the Legislature also directed that the question of South Dakota's entry into the Compact be submitted to the citizens for a vote. The Attorney General of South Dakota has provided the following explanation of the terms of the Dakota Interstate Low-Level Radioactive Waste Management Compact.

This law would create Dakota Interstate Low-Level Radioactive Waste Management Compact, effective upon ratification by Congress, ratify state membership upon North Dakota ratifying, and permit other states to join. The purpose is to protect the citizenry by providing regional management of storage, transportation, treatment, or disposal of low-level radioactive waste.

A commission, appointed by member states, would administer the compact, raise an annual budget through contributions of member states or through surcharges of users of a regional facility. A member state could obtain authority to operate a regional management site, itself or by private operator, by volunteering, meeting criteria specified, appointment by the commission, and securing federal permits. Such state could collect a surcharge from users of the facility to pay for operation and administration of the facility. The state could not voluntarily close the facility for twenty years, and would be responsible for long-term observation and maintenance after closure. Voluntary closure could occur five years after notice given, or involuntarily after one year.

State withdrawal from membership would be by enacting legislation, effective five years from notice, and would not affect liability previously incurred.

All member states must use any regional facility operating. Not state can enact inconsistent laws.

196
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198
199
200

Var. #

Vote Yes (For)
Vote No (Against)
Total Votes
Vote Yes (percent)
Vote No (percent)

1986 Ballot Proposals

Constitutional Amendment A

General Election: November 4, 1986Yes = 122,221 No = 144,976CONSTITUTIONAL AMENDMENT A

A JOINT RESOLUTION, proposing and submitting to the electors at the next general election an amendment to Article IV, section 5 of the Constitution of the State of South Dakota, relating to the duties of the lieutenant governor.

Attorney General's explanation:

- 201 This proposed Constitutional Amendment would:
202
203 Eliminate from the existing constitutional provision for powers and duties of the
204 Lieutenant Governor the following provision:
205 The lieutenant governor shall be president of the senate but shall have no vote unless the senators be equally divided.

Vote Yes (For)
Vote No (Against)
Total Votes
Vote Yes (Percent)
Vote No (percent)

By elimination of this section, the Governor may by law establish the duties of the Lieutenant Governor. The Governor could require such duties and responsibilities as he or she deems appropriate.

BALLOT PROPOSALS

Var. #Description1986 Ballot Proposals

Constitutional Amendment B

General Election: November 4, 1986

Yes = 163,005 No = 110,153

A JOINT RESOLUTION, proposing and submitting to the electors at the next general election an amendment to Article III of the Constitution of the State of South Dakota, relating to the authorization of a state lottery.

Attorney General's explanation:

This proposed Constitutional Amendment would:

Permit the Legislature to authorize a state lottery, to be state regulated, controlled, owned, and operated, either separately by South Dakota, or in cooperation with one or more other states; the net proceeds of which would be used for any purpose the Legislature should choose. The Constitution does not presently allow the State to operate a lottery.

206

Vote Yes (For)

207

Vote No (Against)

208

Total Votes

209

Vote Yes (percent)

210

Vote No (percent)

BALLOT PROPOSALS

Var. #Description1986 Ballot Proposals

Constitutional Amendment C

General Election: November 4, 1986

Yes = 148,813 No = 127,530

A JOINT RESOLUTION, proposing and submitting to the electors at the next general election an amendment to Article VIII of the Constitution of the State of South Dakota, relating to the loan of nonsectarian textbooks.

Attorney General's explanation:

This proposed Constitutional Amendment would:

Allow the Legislature to authorize only the loaning of nonsectarian textbooks to all children in this state. The effect of this amendment is to allow the Legislature to create an exception to existing constitutional prohibitions against public bodies using public lands, money, or other property to support religious or sectarian organizations. The South Dakota Supreme Court ruled that the existing constitutional prohibitions prevent the loaning of textbooks to all children not attending public school.

211

Vote Yes (For)

212

Vote No (Against)

213

Total Votes

214

Vote Yes (percent)

215

Vote No (percent)

State SOUTH DAKOTA

BALLOT PROPOSALS

Var. #Description1986 Ballot Proposals

Initiated Measure 1

General Election: November 4, 1986

Yes = 164,732 No = 117,063

A JOINT RESOLUTION, Enacting and submitting to a vote of the electors of this state at the next general election an initiated law to establish the legal observance of Memorial Day as the last Monday in May.

Attorney General's explanation:

This initiated law would:

Establish as a legal holiday in South Dakota the last Monday in May of each year to be known as Memorial Day and would eliminate May 30th of each year as a holiday.

The last Monday in May is the date the United States Congress has set for the observance of Memorial Day.

In 1986, for example, the National Memorial Day occurred on Monday, May 26; however, South Dakota observed Memorial Day on Friday, May 30. If approved, this measure would set the state and national holiday to occur on the same date.

Vote Yes (For)

Vote No (Against)

Total Votes

Vote Yes (percent)

Vote No (percent)

216

217

218

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220

State _____

BALLOT PROPOSALS

Var. #DescriptionBallot Proposals

Vote Yes (For)

Vote No (Against)

Total Votes

Vote Yes (percent)

Vote No (percent)

State SOUTH DAKOTA

BALLOT PROPOSALS - 1988

<u>Variable #</u>	<u>Description</u>
221	Vote Yes (For) Constitutional Amendment, General
222	Vote No (Against)
223	Total Votes Election: November 8, 1988.
224	Vote Yes (percent)
225	Vote No (percent) YES = 153,168 NO = 140,188

CONSTITUTIONAL AMENDMENT A

The following amendment to the Constitution is submitted to a vote of the people by the Legislature.

A JOINT RESOLUTION, proposing and submitting to the electors at the next general election an amendment to section 1, Article III of the Constitution of the State of South Dakota, relating to initiatives.

Attorney General's explanation:

Initiated measures are proposed by a petition signed by five percent of the electors. Those measures become law if approved by a majority vote in a statewide election. Before a measure can be placed on the ballot, Article III of the State Constitution presently requires the Legislature to enact the measure and submit it to the electorate.

The proposed amendment removes the requirement that the Legislature enact and submit a measure proposed by the voters before it could be placed on the ballot. It would eliminate any discretion which the Legislature may now have regarding submission of a voter proposed measure to the electorate.

A vote "YES" by a majority will change the Constitution as explained above.

A vote "NO" by a majority will leave the Constitution as it exists.

<u>Variable #</u>	<u>Description</u>
226	Vote Yes (For) Constitutional Amendment, General
227	Vote No (Against)
228	Total Votes Election: November 8, 1988.
229	Vote Yes (percent)
230	Vote No (percent) YES = 191,745 NO = 106,444

CONSTITUTIONAL AMENDMENT B

The following amendment to the Constitution is submitted to a vote of the people by initiative of the voters pursuant to the Constitution.

AN INITIATED PROPOSAL to amend section 25 of Article III of the Constitution of the state of South Dakota relating to Deadwood gambling.

Attorney General's explanation:

The proposed constitutional amendment would allow the Legislature to authorize "limited card games and slot machines" within the city of Deadwood provided (1) that sixty percent of the Deadwood voters approve the legislative authorized card games and slot machines, and (2) the "entire net municipal proceeds" of the games are devoted to the historic restoration and preservation of Deadwood.

The Legislature would be enabled to set the conditions under which the gambling could take place in Deadwood.

A vote "YES" by a majority will change the Constitution as explained above.

A vote "NO" by a majority will leave the Constitution as it exists.

State SOUTH DAKOTA

BALLOT PROPOSALS - 1988

<u>Variable #</u>	<u>Description</u>
231	Vote Yes (For) Constitutional Amendment, General
232	Vote No (Against)
233	Total Votes Election: November 8, 1988.
234	Vote Yes (percent)
235	Vote No (percent) YES = 116,240 NO = 184,452

CONSTITUTIONAL AMENDMENT C

The following amendment to the Constitution is submitted to a vote of the people by initiative of the voters pursuant to the Constitution.

AN INITIATED PROPOSAL to amend Article XI of the Constitution of the state of South Dakota by adding a section 14 relating to real property tax limitation.

Attorney General's explanation:

The proposed constitutional amendment would:

- (1) Set a maximum level for property taxes on agricultural land of one percent of the 1984 full and true value. This limitation would be effective January 1, 1989.
- (2) Set a maximum level for nonagricultural land of two and one-half percent of the 1984 full and true value of property. This limitation would be phased in over a three year period.
- (3) Would not affect taxes necessary to pay off existing indebtedness.
- (4) Permit property values to be increased at two percent per year or up to the level of the Department of Labor's Cost Price Index for the previous year, whichever is less.
- (5) Allow cities, counties, and special taxing districts to impose "special taxes" by a two-thirds vote. The term "special taxes" is not defined.
- (6) Require a two-thirds vote of the Legislature to change laws resulting in increased tax revenue collections.
- (7) Have the effect of limiting real property tax revenues available to local government in South Dakota.

<u>Variable #</u>	<u>Description</u>
236	Vote Yes (For) Constitutional Amendment, General
237	Vote No (Against)
238	Total Votes Election: November 8, 1988.
239	Vote Yes (percent)
240	Vote No (percent) YES = 171,282 NO = 121,410

CONSTITUTIONAL AMENDMENT D

The following amendment to the Constitution is submitted to a vote of the people by the Legislature.

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the state of South Dakota, relating to the charitable and penal institutions.

Attorney General's explanation:

Our State Constitution now provides that the Board of Charities and Corrections, is responsible for the Penitentiary, the insane hospital, the school for the feeble-minded, and the reform school.

The proposed amendment would abolish the Board of Charities and Corrections while requiring the Legislature to provide for the existence and governance of these institutions. It would also change the existing names of the institutions to the Penitentiary, the State hospital for the mentally ill, the school for the developmentally disabled and the reform school for juveniles.

A vote "YES" by a majority will change the Constitution as explained above.

A vote "NO" by a majority will leave the Constitution as it exists.

State SOUTH DAKOTA

BALLOT PROPOSALS - 1988

<u>Variable #</u>	<u>Description</u>
241	Vote Yes (For)
242	Vote No (Against)
243	Total Votes
244	Vote Yes (percent)
245	Vote No (percent)
	Election: November 8, 1988.
	YES = 123,738 NO = 181,729

INITIATED MEASURE 1

AN ACT ENTITLED, An Act relating to Large-Scale Metallic Mineral Surface Mining Reclamation.

Attorney General's explanation:

This initiated measure requires the operator of any large-scale metallic mineral surface mine to restore affected land to its approximate original contours insofar as is possible without causing rock slides, severe erosion or unstable land. A large-scale surface mine affects ten (10) or more acres of land or processes 25,000 tons or more of ore annually. The Act applies regardless of any financial hardship caused by the restoration.

The initiated measure also prohibits the mine operator from placing mine tailings in contact with the saturated zone, the erosion zone or the plant rooting zone. Waste waters must be treated until they comply with South Dakota groundwater quality standards effective January 1, 1988.

The initiated measure applies to large-scale metallic mineral mines which received a state permit after January 1, 1988. These mines are required to be in compliance with the Act by July 1, 1989.

A vote "YES" is for enactment of the proposal into law.

A vote "NO" is against its becoming law.

<u>Variable #</u>	<u>Description</u>
246	Vote Yes (For)
247	Vote No (Against)
248	Total Votes
249	Vote Yes (percent)
250	Vote No (percent)
	Election: November 8, 1988.
	YES = 105,859 NO = 196,037

INITIATED MEASURE 2

AN ACT ENTITLED, An Act relating to Large-Scale Metallic Minerals Mining Tax

Attorney General's explanation:

This measure imposes a four percent gross sales tax on metallic minerals from large-scale surface mines within South Dakota. A large-scale surface mine is one which affects ten (10) or more acres of land or processes 25,000 or more tons of ore per year. Metallic minerals include iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, and uranium.

Ten percent (10%) of the tax is allocated to the Department of Water and Natural Resources for environmental regulation of large-scale metallic mineral surface mines. Seventy percent of the tax is allocated to a Minesite Cleanup Fund for the cleanup of toxic material spills and other contamination caused by large-scale metallic mineral surface mines. Twenty percent (20%) of the tax is allocated to the Unreclaimed Lands Fund to restore lands not currently subject to the mining permit but which have been affected by past mining activity. Structures viewed as historical by local residents are to be given special care during restoration activities.

When the Minesite Cleanup Fund reaches \$25 million, ninety percent (90%) of the total tax shall be placed in the Unreclaimed Lands Fund.

A vote "YES" is for enactment of the proposal into law.

A vote "NO" is against its becoming law.

State SOUTH DAKOTA

BALLOT PROPOSALS - 1988

<u>Variable #</u>		<u>Description</u>
251	Vote Yes (For)	Initiated Measure, General
252	Vote No (Against)	
253	Total Votes	Election: November 8, 1988.
254	Vote Yes (percent)	
255	Vote No (percent)	YES = 178,955 NO = 120,605

INITIATED MEASURE 3

AN ACT ENTITLED, An Act to revise certain provisions of the Family Farm Act of 1974.

Attorney General's explanation:

The proposed measure would prohibit any corporation, except a "family farm corporation" as defined by law, from owning or operating a hog confinement facility.

The proposed amendment would also broaden the definition of "family farm corporation" to include any corporation formed for farming purposes in which the majority of the stockholders are resident family farmers engaged in farming as their primary economic activity.

A vote "YES" is for enactment of the proposal into law.

A vote "NO" is against its becoming law.

<u>Variable #</u>		<u>Description</u>
256	Vote Yes (For)	Referred Law, General
257	Vote No (Against)	
258	Total Votes	Election: November 8, 1988.
259	Vote Yes (percent)	
260	Vote No (percent)	YES = 161,173 NO = 142,695

REFERRED LAW 4

The following law has been passed by the Legislature and signed by the Governor, but did not go into effect because a referendum petition containing signatures of five percent of the voters of the state has been filed, in accordance with the Constitution, and this law will not become effective until approved by the people.

AN ACT ENTITLED, An Act to revise the regulation of certain intra-state telecommunications services and to make certain trade regulation laws applicable to certain telecommunications services.

Attorney General's explanation:

The purpose of the Act is to revise the regulations the Public Utilities Commission (Commission) exercises over telecommunications companies.

This Act creates three classes of telecommunications services providing for regulation of each.

Services described below will continue to be regulated until reclassified as provided by the Act. Such services include:

1. local home;
2. local business;
3. local agribusiness;
4. emergency;
5. pay phones.

The prices for the following services are subject to review by the Commission:

1. long distance service;
2. certain new products and services.

Long distance rates would be uniform except volume discounts would be allowed.

The following competitive services would be removed from Commission regulation:

1. Cellular mobile;
2. Switching equipment;
3. Billing and collection services between companies;
4. Optional services;
5. Dedicated lines;
6. Consumer owned wiring.

The commission would be allowed to, and must if necessary, reclassify any of the above services and maintain the current level of regulation.

This Act will affect cooperatives, municipalities and small independent telephone companies as follows:

1. Access charges will be regulated.
2. Territorial restrictions will be eased.

The Act amends the State's antitrust law so that services no longer controlled by the Commission will be subject to such laws, while fully regulated services will continue to be exempt.

A vote "YES" is for legislative enactment and for the law taking effect.

A vote "NO" is against the legislative enactment and against the law taking effect.

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V261 Vote Yes (For)
V262 Vote No (Against)
V263 Total Votes
V264 Vote Yes (percent)
V265 Vote No (percent)

Constitutional Amendment by Legislature

_Primary XGeneral _Special _Other
Date: 11/6/90
YES = 104,973 NO = 133,643

CONSTITUTIONAL AMENDMENT A

A JOINT RESOLUTION, Proposing and agreeing to an amendment to section 13, Article VI of the Constitution of the state of South Dakota, relating to disposition of private property taken for public use.

Attorney General's Explanation:

Under present law, land may be condemned or taken for various public uses, including the use for railroad tracks or public highways. The Constitution now provides that when land is condemned for railroad tracks or public highways, the fee ownership remains in the original owner. This amendment addresses what is to occur when use of the particular land for railroad tracks or public highway ceases. Under the present constitutional provision, the particular land would be returned to the original owner or his heirs. The proposed amendment will change the present law if, at the time the use of the land for railroad tracks or public highway ends, the original owner is deceased.

The proposed amendment provides that when the original owner of the land is no longer living at the time the use of the land for railroad tracks or public highway purposes ends, the Legislature could provide for the disposition of such property in a way that best served the interest of the State. The Legislature could, and may be required to, provide that a preference be given to the adjoining owners.

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V266	Vote Yes (For)	Constitutional Amendment by Legislature	
V267	Vote No (Against)		
V268	Total Votes	<u>Primary</u> <input checked="" type="checkbox"/> <u>General</u> <u>Special</u> <u>Other</u>	
V269	Vote Yes (percent)	Date: 11/6/90	
V270	Vote No (percent)	YES = 82,358	NO = 152,175

CONSTITUTIONAL AMENDMENT B

A JOINT RESOLUTION, Proposing and agreeing to an amendment to section 12, Article III of the Constitution of the state of South Dakota, relating to eligibility for legislative office.

Attorney General's Explanation:

Our State Constitutional now prohibits a State Legislator, during the term for which the Legislator was elected or one year thereafter, from being directly or indirectly interested in any contract with the State or any county when the contract, or its funding, is authorized by any law passed during the term for which the Legislator was elected. This Constitutional Amendment would create an exception to this restriction which would allow a State Legislator to enter into a contract with the State or any county if the contract is awarded on competitive bids.

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V271	Vote Yes (For)	Constitutional Amendment by Legislature	
V272	Vote No (Against)		
V273	Total Votes	<u>Primary</u> <input checked="" type="checkbox"/> <u>General</u> <u>Special</u> <u>Other</u>	
V274	Vote Yes (percent)	Date: 11/6/90	
V275	Vote No (percent)	YES = 114,215	NO = 119,037

CONSTITUTIONAL AMENDMENT C

A JOINT RESOLUTION, Proposing and agreeing to a new section to Article XI of the Constitution of the state of South Dakota, relating to the imposition of an income tax.

Attorney General's Explanation:

At the present time, Article XI, Section 2 of the South Dakota Constitution permits the Legislature to enact an income tax. This amendment would prohibit enactment of an income tax by the Legislature unless the revenue generated is dedicated to fund elementary and secondary education and to provide a replacement for taxes on real property. In addition, no personal or corporate income tax adopted by the Legislature would become effective until it was approved by a majority of those voting on the issue at a general or special statewide election.

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V276	Vote Yes (For)	COnstitutional Amendment by Legislature			
V277	Vote No (Against)				
V278	Total Votes	<u>Primary</u>	<input checked="" type="checkbox"/> <u>General</u>	<u>Special</u>	<u>Other</u>
V279	Vote Yes (percent)	Date: 11/6/90			
V280	Vote No (percent)	YES = 117,969		NO = 110,468	

CONSTITUTIONAL AMENDMENT D

A JOINT RESOLUTION, Proposing and agreeing to a new section to Article III of the Constitution of the state of South Dakota, relating to sessions of the legislature.

Attorney General's Explanation:

The State Constitution requires that the State Legislature shall meet in regular annual sessions, but at no other time unless specified in the Constitution. Presently, a special session of the Legislature may be convened only by the Governor. The proposed amendment would require the presiding officers of both houses to convene a special session when presented with a written petition requesting the session, signed by two-thirds of the members of each house, and stating the purpose of the session. Only business which falls within the purposes listed in the petition could be addressed at such a legislative session.

BALLOT PROPOSALS - 1990

State:

Variable #Description:

Vote Yes (For)				
Vote No (Against)				
Total Votes	<u>Primary</u>	<u>General</u>	<u>Special</u>	<u>Other</u>
Vote Yes (percent)	Date:			
Vote No (percent)	YES =		NO =	

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V281	Vote Yes (For)	Constitutional Amendment by Legislature			
V282	Vote No (Against)				
V283	Total Votes	<u>Primary</u>	<input checked="" type="checkbox"/> <u>General</u>	<u>Special</u>	<u>Other</u>
V284	Vote Yes (percent)	Date: 11/6/90			
V285	Vote No (percent)	YES = 104,947		NO = 126,940	

CONSTITUTIONAL AMENDMENT E

A JOINT RESOLUTION, Proposing and agreeing to a new section to Article XI of the Constitution of the state of South Dakota, relating to a limit on the growth of taxes on real property.

Attorney General's Explanation:

At present, the State Legislature has imposed limitations by statute on the rate of property taxation by governmental units but there are no constitutional limits on those rates. This Amendment would impose, in the Constitution, a limit of a two percent increase per year on real property tax revenue payable to a governmental unit.

The Amendment provides for several exceptions to the two percent revenue increase limitation. The Amendment provides that a governmental unit could increase its revenues through increased taxation on improvements to real property, through taxation of any new property incorporated into a governmental unit by annexation or minor boundary changes, and through adjustments of taxation of property whose use has been changed or reclassified. Moreover, the Amendment would not affect tax levies for repayment of indebtedness incurred after December 31, 1989, for certain school district purposes or tax levies to pay judgments of the courts. Any taxing district formed, or any school district reorganized after 1990 would be exempt from the two percent limitation for two years.

Any governmental unit could opt out of the two percent increase limit for a one year period by an affirmative vote of two-thirds of its governing body. The governing body's decision to opt out of the limit could be referred to a special election by a petition of five percent of the registered voters of the district.

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V286	Vote Yes (For)	Initiative Petition			
V287	Vote No (Against)				
V288	Total Votes	<u>Primary</u>	<input checked="" type="checkbox"/> <u>General</u>	<u>Special</u>	<u>Other</u>
V289	Vote Yes (percent)	Date: 11/6/90			
V290	Vote No (percent)	YES = 130,465		NO = 115,894	

INITIATED MEASURE 1

AN ACT ENTITLED, An Act relating to legislative approval for the siting, construction, or operation of a large-scale solid waste facility.

Attorney General's Explanation:

This initiative, if passed, would require Legislative approval of all permits issued by the Board of Minerals and Environment which authorize the siting, construction, or operation of a large-scale solid waste facility. It applies only to those facilities which dispose of or incinerate over two hundred thousand tons of solid waste per year.

The initiative will be retroactive to July 1, 1989. It directs the Board of Minerals and Environment to stop the operation of any existing large-scale solid waste facility until the Legislature finds the facility to be environmentally safe, in the public interest, and approves the permit.

At the present time, one such facility would be closed by this initiative, until approved by the Legislature. If this facility is legally operating upon passage of this initiative, the question of whether the owners are entitled to compensation from the State will have to be addressed.

BALLOT PROPOSALS - 1990

State:

Variable #Description:

Vote Yes (For)				
Vote No (Against)				
Total Votes	<u>Primary</u>	<u>General</u>	<u>Special</u>	<u>Other</u>
Vote Yes (percent)	Date:			
Vote No (percent)	YES =		NO =	

BALLOT PROPOSALS - 1990

State: SD

Variable #Description:

V291	Vote Yes (For)	Initiative Petition
V292	Vote No (Against)	
V293	Total Votes	<u>Primary</u> <input checked="" type="checkbox"/> <u>General</u> <u>Special</u> <u>Other</u>
V294	Vote Yes (percent)	Date: 11/6/90
V295	Vote No (percent)	YES = 116,583 NO = 129,824

INITIATED MEASURE 2

AN ACT ENTITLED, An Act relating to a large-scale gold or silver mining operation being granted a permit by the Board of Minerals and Environment under specific conditions.

Attorney General's Explanation:

This initiative requires that a large-scale gold or silver mining operation be granted a permit by the Board of Minerals and Environment only if the total amount of land under permit in the Black Hills does not exceed 3,100 acres. When the total "affected land" equals 3,100 acres, a large-scale mining operation could only obtain or amend a permit for new lands by: (1) relinquishing land which was permitted and either reclaimed or not mined; (2) obtaining permitted land from other mine operators; or (3) reclaiming previously mined, but unreclaimed lands.

"Affected land" is currently defined as land which has:

1. Had the waste rock and topsoil removed;
2. Had waste deposited on it; or
3. Been disturbed by surface mining or surface affects of underground mining, i.e. access roads, warehouses, and storage areas.

Affected mining operations include large-scale gold and silver surface and underground mines. A large-scale mining operation is one which affects more than ten acres, excluding access roads, and extracts more than 25,000 tons of ore or waste rock and topsoil per calendar year. No limitation is placed on the quantity of land which could be affected by small-scale gold and silver mining operations.